

HOUSE BILL NO. 109

INTRODUCED BY L. JENT

BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS AND THE DEPARTMENT OF
ADMINISTRATION

A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING RESPONSIBILITY FOR THE MAINTENANCE OF
THE CAPITOL COMPLEX GROUNDS FROM THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO THE
DEPARTMENT OF ADMINISTRATION; AMENDING SECTIONS 2-17-803, 2-17-804, 2-17-805, 2-17-811,
2-17-812, AND 2-17-817, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-17-803, MCA, is amended to read:

**"2-17-803. Capitol complex advisory council established -- membership -- staff services --
compensation.** (1) There is a capitol complex advisory council.

(2) The council consists of nine members as follows:

(a) two members of the house of representatives appointed by the speaker on a bipartisan basis;

(b) two members of the senate appointed by the committee on committees on a bipartisan basis;

(c) a public representative appointed by the governor; and

(d) the director or the director's designee of each of the following agencies:

(i) the Montana historical society established in 22-3-101;

(ii) the Montana arts council established in 2-15-1513;

(iii) the department of administration established in 2-15-1001; and

(iv) the department of fish, wildlife, and parks established in 2-15-3401.

(3) The council shall select a presiding officer, who may call meetings to conduct council business. The
~~departments department~~ of administration and fish, wildlife, and parks shall provide staff services to the council
and share the costs associated with council operations.

(4) (a) The council member appointed under subsection (2)(c) is entitled to compensation not to exceed
the daily allowance provided for in 5-2-301(3) for compensation of legislators for each day in which the member
is actually and necessarily engaged in performing council duties and to travel expense reimbursement as

provided in 2-18-501 through 2-18-503.

(b) A council member designated under subsection (2)(d) is not entitled to compensation for services as a member of the council.

(c) A council member appointed under subsection (2)(a) or (2)(b) is entitled to compensation and expenses as provided in 5-2-302."

Section 2. Section 2-17-804, MCA, is amended to read:

"2-17-804. Council duties and responsibilities. (1) The council shall:

(a) adopt an art and memorial plan for the placement of art and memorials in the capitol complex and on the capitol complex grounds;

(b) review proposals for long-term displays of up to 50 years, subject to renewal, in the capitol complex and on the capitol complex grounds and for the naming of state buildings, spaces, and rooms in the capitol complex;

(c) advise the legislature on the placement of busts, statues, memorials, monuments, or art displays of a long-term nature in public areas of the capitol complex and on the capitol complex grounds, including the executive residence and the original governor's mansion; and

(d) advise the department of administration on interior decoration of the capitol; ~~and~~
~~—— (e) advise the department of fish, wildlife, and parks on, grounds maintenance, and grounds displays.~~

(2) In advising the legislature on long-term displays, the council shall consider whether the bust, statue, memorial, monument, or art display:

(a) reasonably fits the long-range master plan for the capitol and adjacent grounds developed under 2-17-805;

(b) adversely alters the appearance of the capitol complex;

(c) unreasonably affects foot traffic on the capitol complex;

(d) adversely impacts existing maintenance programs or the utility infrastructure;

(e) recognizes a person or event of statewide significance and relevance;

(f) has artistic merit in ~~its~~ design and construction;

(g) will be safely and aesthetically suited to ~~its~~ the installation site; and

(h) has adequate funding for design, installation, and maintenance.

(3) By November 15 of each year preceding a legislative session, the council shall report to the

1 legislature on requests that ~~it~~ the council has reviewed for naming buildings, spaces, and rooms and for placing
2 items in the capitol complex or on the capitol complex grounds. The report must include a recommendation to
3 the legislature on whether reviewed requests meet the criteria established by this part. If a request meets the
4 criteria, the council shall recommend a timeframe during which the project should be authorized."

5
6 **Section 3.** Section 2-17-805, MCA, is amended to read:

7 **"2-17-805. Function of department of administration -- capitol area master plan -- advice of capitol**
8 **complex advisory council and legislative council.** (1) With advice from the council, the ~~departments~~
9 department of administration ~~and fish, wildlife, and parks~~ shall establish and maintain a long-range master plan
10 for the orderly development of the capitol complex. The long-range master plan must be developed and
11 maintained, with consideration given to the following factors:

12 (a) the needs of the state relative to the location and design of buildings to be constructed, purchase
13 of land, parking facilities, traffic management, and landscaping;

14 (b) the ordinances, plans, requirements, and proposed improvements of the city of Helena and Lewis
15 and Clark County, based, without limitation, upon zoning regulations, population trends, and plans for rapid
16 transit development; and

17 (c) any other factors that bear upon the orderly, integrated, and cooperative development of the state,
18 the city of Helena, Lewis and Clark County, and state property in the capitol complex.

19 (2) The legislative council shall consult with and advise the department of administration concerning
20 the assignment of space in the capitol.

21 (3) The Montana historical society shall protect and preserve all publicly held, permanent artwork in the
22 capitol complex and request funding for periodic inspection, maintenance, and repair of the artwork from the trust
23 fund established in 15-35-108 for protection of works of art in the state capitol and other cultural and aesthetic
24 projects.

25 (4) The legislative council shall serve as a long-range building committee to recommend to the
26 legislature and the department of administration construction and remodeling priorities for the capitol."

27
28 **Section 4.** Section 2-17-811, MCA, is amended to read:

29 **"2-17-811. Custodial care of capitol buildings and grounds.** (1) The department of administration
30 is custodian of all state property and grounds in the state capitol area, which is the geographic area within a

1 10-mile radius of the state capitol.

2 (2) ~~It is the duty of the~~ The department ~~to shall~~ supervise and direct the work of caring for and
3 maintaining buildings and equipment in the state capitol area. The department shall provide or approve all
4 custodial, maintenance, and security work done on state-owned or leased buildings in the state capitol area.

5 (3) A state agency may not alter, improve, repair, or remodel a state building in the state capitol area
6 without the approval of the department.

7 (4) ~~It is the duty of the~~ The department of fish, wildlife, and parks ~~to shall~~ maintain or approve the
8 maintenance of the grounds in the state capitol area."

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10 **Section 5.** Section 2-17-812, MCA, is amended to read:

11 **"2-17-812. Inventory of improvements.** (1) The department of ~~fish, wildlife, and parks~~ administration
12 shall maintain an inventory of commemorative displays, statues, artwork, plaques, and other improvements upon
13 the grounds of the capitol complex, including the executive residence and the original governor's mansion.

14 (2) The Montana historical society shall maintain an inventory of all publicly held commemorative
15 displays, statues, artwork, and plaques in the capitol complex.

16 (3) ~~Both agencies~~ Each agency shall make ~~their inventories~~ the agency's inventory available to the
17 council."

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19 **Section 6.** Section 2-17-817, MCA, is amended to read:

20 **"2-17-817. Highway patrol officers' memorial.** (1) The department of administration shall set aside
21 on the capitol grounds an area on the north west side of the capitol for a memorial to Montana's slain highway
22 patrol officers. The area must be agreed upon between the Montana highway patrol and the department of ~~fish,~~
23 ~~wildlife, and parks~~ of administration and must maintain the historical design integrity of the block on which the
24 capitol is located, also known as capitol square.

25 (2) The memorial must be constructed to consider long-term maintenance efficiency and must be paid
26 for by private donations. The memorial must be maintained with the assistance of private donations as part of
27 the capitol grounds maintenance program provided in 2-17-811."

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29 **NEW SECTION.** **Section 7. Effective date.** [This act] is effective July 1, 2005.

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